



Wednesday
October 29, 1997

Part XL

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, (312) 751-4513, FAX (312) 751-4701, TDD (312) 751-7102.

SUPPLEMENTARY INFORMATION: For this edition of the Railroad Retirement Board's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in Part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the Table of

Contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate Sequence Number in Part II.

Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: August 15, 1997.

By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3975	Requests for Reconsideration and Appeals Within the Board	3220-AB03
3976	Railroad Employers' Reports and Responsibilities	3220-AB21
3977	Finality of Decisions Regarding Unemployment and Sickness Insurance Benefits	3220-AB25
3978	Eligibility for An Annuity	3220-AB27

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3979	Recovery of Overpayments (Reg Plan Seq. No. 151)	3220-AA44
3980	Determining Disability	3220-AA99
3981	Determining Disability (Reg Plan Seq. No. 152)	3220-AB18
3982	Payments Pursuant to Court Decree or Court Approved Property Settlement	3220-AB29
3983	General Administration; Disclosure	3220-AB31
3984	Recovery of Benefits	3220-AB32

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3985	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
3986	Employees Under the Railroad Retirement Act	3220-AA52
3987	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3988	Voluntary Quit	3220-AA75
3989	Creditable Railroad Compensation	3220-AB23

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3990	Finality of Decisions Regarding Railroad Retirement Annuities	3220-AB15
3991	Evidence Required for Payment	3220-AB17
3992	Recovery of Debts Owed to the United States Government by Administrative Offset	3220-AB26
3993	Family Relationships; Social Security Overall Minimum Guarantee	3220-AB28

RRB

Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3994	Sickness Benefits	3220-AB30

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

3975. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 45 USC 231f(b)(5); 45 USC 231g; 45 USC 355**CFR Citation:** 20 CFR 260**Legal Deadline:** None**Abstract:** The RRB is amending its regulations to provide for its field offices to make timeliness determinations on requests for reconsideration of decisions of the RRB's various adjudicating units.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB03**3976. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 209**Legal Deadline:** None**Abstract:** The Board's regulations are amended to modernize reporting requirements and to require certain Canadian citizens to obtain a social security number so that their creditable railroad service can be properly reported to the Board.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB21**3977. FINALITY OF DECISIONS REGARDING UNEMPLOYMENT AND SICKNESS INSURANCE BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 355; 45 USC 361(l)**CFR Citation:** 20 CFR 349**Legal Deadline:** None**Abstract:** This new part would explain when the RRB will reopen a final determination on a claim for benefits under the Railroad Unemployment Insurance Act.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB25**3978. ELIGIBILITY FOR AN ANNUITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 216**Legal Deadline:** None**Abstract:** Amends part 216 of the RRB's regulations to include students enrolled in home schooling or independent study programs within the definition of full-time student for purposes of eligibility for a child's annuity.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB27

RAILROAD RETIREMENT BOARD (RRB)

Final Rule Stage

3979. RECOVERY OF OVERPAYMENTS

Regulatory Plan: This entry is Seq. No. 151 in Part II of this issue of the **Federal Register**.

RIN: 3220-AA44

3980. DETERMINING DISABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 231a; 45 USC 231f

CFR Citation: 20 CFR 220.114

Legal Deadline: None

Abstract: Section 114 of part 220 is being amended to expand the Board's description of the manner in which symptoms, including pain, are evaluated for purposes of determining disability.

Timetable:

Action	Date	FR Cite
NPRM	09/11/95	60 FR 47122
NPRM Comment	11/13/95	
Period End		
Final Action	12/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AA99

3981. DETERMINING DISABILITY

Regulatory Plan: This entry is Seq. No. 152 in Part II of this issue of the **Federal Register**.

RIN: 3220-AB18

3982. PAYMENTS PURSUANT TO COURT DECREE OR COURT APPROVED PROPERTY SETTLEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 231f; 45 USC 231m

CFR Citation: 20 CFR 295

Legal Deadline: None

Abstract: Under section 14(b) of the RRA, non-tier I benefits are subject to

property division in a divorce action. The present regulation requires that the part B Medicare premium be deducted from the non-tier I benefits to determine the net amount available for partition. The Board is amending its regulation to eliminate the Part B Medicare premium as a deduction in computing the divisible portion of the annuity.

Timetable:

Action	Date	FR Cite
NPRM	07/31/97	62 FR 40995
NPRM Comment	09/29/97	
Period End		
Final Action	11/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB29

3983. • GENERAL ADMINISTRATION; DISCLOSURE

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 231f(b)(5); 45 USC 362

CFR Citation: 20 CFR 200.8

Legal Deadline: None

Abstract: Section 200.8 of the Railroad Retirement Board's regulations provides for disclosure of information obtained in the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act. This amendment would permit disclosure of pertinent information to a consular official acting on behalf of a compatriot who has claimed benefits under these Acts.

Timetable:

Action	Date	FR Cite
NPRM	08/13/97	62 FR 43295
NPRM Comment	10/14/97	
Period End		
Final Action	11/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law,

Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611
Phone: 312 751-4929
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB31

3984. • RECOVERY OF BENEFITS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 45 USC 362(l); PL 101-552, sec 8(b)

CFR Citation: 20 CFR 340.13

Legal Deadline: None

Abstract: This amendment to 20 CFR 340.13 conforms the Railroad Retirement Board's regulations to section 8(b) of Public Law 101-552 which authorizes the Board to compromise debts where the amount recoverable, excluding interest, does not exceed \$100,000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/97	62 FR 41270
Interim Final Rule	08/01/97	
Effective		
Interim Final Rule	09/30/97	
Comment Period		
End		
Final Action	11/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB32

RAILROAD RETIREMENT BOARD (RRB)

Long-Term Actions

3985. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT**Priority:** Other Significant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)**CFR Citation:** 20 CFR 202; 20 CFR 301**Legal Deadline:** None

Abstract: The Board is considering revisions to existing parts 202 and 301 of the RRB's regulations defining entities covered as employers under the Railroad Retirement and Railroad Unemployment Insurance Acts to reflect case-by-case adjudications that have occurred since the regulations were originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** Federal**Sectors Affected:** 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102
RIN: 3220-AA51

3986. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT**Priority:** Other Significant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)**CFR Citation:** 20 CFR 203**Legal Deadline:** None

Abstract: The Board is considering revising existing part 203 of the RRB's regulations defining individuals covered as employees under the Railroad Retirement Act to reflect case-by-case adjudications that have occurred since the regulations were

originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** State, Federal**Sectors Affected:** 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102
RIN: 3220-AA52

3987. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK**Priority:** Other Significant**Legal Authority:** 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 230**Legal Deadline:** None

Abstract: The Railroad Retirement Board (Board) amends 20 CFR part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	08/16/95	60 FR 42482
NPRM Comment Period End	09/25/95	60 FR 43999
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102
RIN: 3220-AA61

3988. VOLUNTARY QUIT**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 362(l)**CFR Citation:** 20 CFR 328**Legal Deadline:** None

Abstract: A new part 328 is added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102
RIN: 3220-AA75

3989. CREDITABLE RAILROAD COMPENSATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 211.3**Legal Deadline:** None

Abstract: The RRB amends its regulations regarding the creditability of pay for time lost to prohibit the crediting of pay for time lost beyond the date of a judgment or settlement, or in the absence of a judgment or settlement, beyond the date of payment. The Labor Member of the RRB dissents from this proposal and recommends allowing the crediting of pay for time lost in these circumstances when the accompanying railroad retirement taxes are paid on the compensation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Thomas W. Sadler, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102
Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement

RRB

Long-Term Actions

Board, 844 North Rush Street, Chicago,
IL 60611

Phone: 312 751-4929
TDD: 312 751-4701

Fax: 312 751-7102
RIN: 3220-AB23

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

3990. FINALITY OF DECISIONS REGARDING RAILROAD RETIREMENT ANNUITIES

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 20 CFR 261

Completed:

Reason	Date	FR Cite
Final Action	08/29/97	62 FR 45712
Final Action Effective	09/29/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler

Phone: 312 751-4513

TDD: 312 751-4701

Fax: 312 751-7102

RIN: 3220-AB15

3991. EVIDENCE REQUIRED FOR PAYMENT

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

CFR Citation: 20 CFR 219

Completed:

Reason	Date	FR Cite
Withdrawn - No Action	07/28/97	
Expected in the Next 12 Months		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler

Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB17

3992. RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY ADMINISTRATIVE OFFSET

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 367

Completed:

Reason	Date	FR Cite
Final Action	08/21/97	62 FR 44409
(Correction published 09/18/97)		
Final Action Effective	08/21/97	

Small Entities Affected: Businesses,
Governmental Jurisdictions,
Organizations

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler

Phone: 312 751-4513

TDD: 312 751-7102

Fax: 312 751-4701

RIN: 3220-AB26

3993. FAMILY RELATIONSHIPS; SOCIAL SECURITY OVERALL MINIMUM GUARANTEE

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 222; 20 CFR 229

Completed:

Reason	Date	FR Cite
Final Action	09/08/97	62 FR 47137
Final Action Effective	10/08/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler

Phone: 312 751-4513

TDD: 312 751-4701

Fax: 312 751-7102

RIN: 3220-AB28

3994. • SICKNESS BENEFITS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 45 USC 362(i); 45 USC 362(l)

CFR Citation: 20 CFR 335.3(a)

Legal Deadline: None

Abstract: The Railroad Retirement Board amends 20 CFR part 335.3(a) of its regulations to permit a substance-abuse professional to execute a statement of sickness in support of sickness benefit claims under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	04/18/97	62 FR 19072
Interim Final Rule	04/18/97	62 FR 19072
NPRM Comment Period End	06/17/97	62 FR 19072
Final Action	08/21/97	62 FR 44408
Final Action Effective	09/22/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler,
Senior Attorney, Bureau of Law,
Railroad Retirement Board, 844 North
Rush Street, Chicago, Illinois 60611

Phone: 312 751-4513

TDD: 312 751-4701

Fax: 312 751-7102

RIN: 3220-AB30

[FR Doc. 97-24030 Filed 10-28-97; 8:45 am]

BILLING CODE 7905-01-F